

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO.1:07-CV-683

HEALTH SYSTEMS MANAGEMENT, INC. )  
and NEW RIVER AIRCRAFT LEASING, LLC, )

Plaintiffs )

vs )

PIEDMONT HAWTHORNE AVIATION, LLC, )  
PIEDMONT HAWTHORNE AVIATION, INC., )  
n/k/a LANDMARK AVIATION, INC. f/k/a )  
GARRETT AVIATION SERVICES, INC., )  
THE CARLYLE GROUP, DUBAI AEROSPACE )  
ENTERPRISE, and AOG TANK TIGERS, )

Defendants )

**COMPLAINT**

**JURY TRIAL DEMANDED**

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Plaintiffs Health Systems Management, Inc. ("HSM") and New River Aircraft Leasing, LLC ("New River"), by their attorneys, John Haworth of Morgan, Herring, Morgan, Green and Rosenblutt, LLP, and Fred C. Begy, III and Carri A. Conlon of Chuhak & Tecson, P.C., complain against Defendants Piedmont Hawthorne Aviation, Inc., Piedmont Hawthorne Aviation, LLC, Landmark Aviation, Inc., Garrett Aviation Services, Inc. (collectively the "Piedmont Entities"), the Carlyle Group ("Carlyle"), Dubai Aerospace Enterprise ("Dubai") and AOG Tank Tigers ("Tank Tigers") as follows and request a trial by jury:

1. Plaintiff HSM is a Georgia corporation whose principal place of business is located at 1804 King Road, Tifton, Georgia.

2. Plaintiff New River is a Georgia limited liability corporation whose principal place of business is located at 1804 King Road, Tifton, Georgia.

3. At all pertinent times hereto, Defendant Piedmont Hawthorne Aviation, Inc. was a Delaware corporation with its principal place of business at 1524 W. 14th Street, Suite 110,

Tempe, Arizona, whose registered agent is The North Carolina Secretary of State, 2 South Salisbury Street, Raleigh, North Carolina, 27601.

4. Defendant Piedmont Hawthorne Aviation, LLC is a Delaware limited liability company whose principal place of business is 1524 W. 14th Street, Suite 110, Tempe, Arizona whose registered agent is Corporation Service Company, 327 Hillsborough Street, Raleigh, North Carolina, 27603.

5. Defendant Garrett Aviation Services, Inc. is a Delaware corporation whose principal place of business is located at 1524 W. 14th Street, Suite 110, Tempe, Arizona whose registered agent is Corporation Service Company, 2338 W. Royal Palm Road, Ste. J, Phoenix, Arizona, 85021.

6. Defendant Landmark Aviation, Inc. is a Delaware corporation with its principal place of business in Delaware whose registered agent is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808.

7. Defendant Carlyle is a partnership with its principal place of business at 1001 Pennsylvania Avenue, Washington, D.C., 20004, whose registered agent is Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

8. Defendant Dubai Aerospace Enterprise is a foreign entity with its principal offices in Dubai, United Arab Emirates.

9. Defendant Tank Tigers is a Texas corporation whose principal place of business is located at 2742 Burbank Street, Dallas, Texas whose registered agent is Imtiaz Ahmed, 2742 Burbank Street, Dallas, Texas 75235.

10. On information and belief, on or about August of 2004, Carlyle acquired Garrett Aviation Services, Inc. and combined Garrett Aviation Services Inc. with Piedmont Hawthorne Aviation, Inc. to create Landmark Aviation.

11. Piedmont Hawthorne Aviation, LLC, Piedmont Hawthorne Aviation, Inc., Landmark Aviation, Inc. and Garrett Aviation Services, Inc are hereinafter referred to as “The Piedmont Entities.”

12. From August 2004 through August 1, 2007, Carlyle owned or operated the Piedmont Entities.

13. On information and belief, on or about August 1, 2007, Dubai acquired the Piedmont Entities from Carlyle.

14. Jurisdiction in this case is premised upon 28 U.S.C. §1332, in that there is complete diversity of citizenship between the parties, and the amount in controversy in this case exceeds \$75,000 exclusive of interest and costs.

15. The actions of which Plaintiffs complain occurred in the Middle District of North Carolina causing venue to be proper in this judicial district pursuant to 28 U.S.C. §1391.

16. HSM is a nursing and personal care management service and was the lessee and operator of a Cessna Citation 650 aircraft, registration number N460CP ("the Citation"), at all relevant times.

17. New River was the owner of the Citation and leased the Citation to HSM at all relevant times.

18. On information and belief, the Piedmont Entities were in the business of servicing and repairing aircraft throughout the United States at all relevant times.

19. At all relevant times hereto, the Piedmont Entities maintained a service center at 3821 N. Liberty Street, Winston-Salem, North Carolina.

20. Tank Tigers was in the business of providing jet fuel services in North Carolina and throughout the United States at all relevant times.

21. On or about September 20, 2004, Plaintiffs had their Citation delivered to the Piedmont Entities' service facility in Winston-Salem, North Carolina for numerous repairs, service, and modifications.

22. Plaintiffs agreed to pay the Piedmont Entities to perform the aforementioned services to their Citation.

23. The Citation was delivered to the Piedmont Entities in good and operable condition, subject only to the repairs that the Piedmont Entities had agreed to perform.

24. The Piedmont Entities retained Tank Tigers to perform certain fueling services relative to the Citation that the Piedmont Entities had agreed to perform for Plaintiffs.

25. On or about October 1, 2004, while the Citation was in the sole and exclusive care, custody and control of the Piedmont Entities, work was being performed on the Citation by employees and/or agents of the Piedmont Entities and Tank Tigers.

26. On information and belief, while a fuel leak on the Citation was being repaired, the Citation was removed from the jack stands while in an imbalanced state causing the aft fuselage to strike the ground causing extensive damage.

27. The damage to Plaintiffs' Citation was directly and proximately caused by the negligence of the Piedmont Entities and Tank Tigers due to the following acts and/or omissions:

- a) failed to use a tail stand to prevent the Citation from leaning back onto its tail;
- b) failed to properly balance the Citation;
- c) failed to properly secure the Citation while it was being serviced;
- d) otherwise failed to prevent damage from occurring to the Citation.

28. As the owner and operator of the Piedmont Entities on the date of the occurrence, Carlyle is liable for their wrongful acts and/or omissions relating to Plaintiffs' Citation which caused Plaintiffs to suffer damages.

29. On information and belief, Dubai purchased the Piedmont Entities from Carlyle on or about August 1, 2007. As the current owner of the Piedmont Entities, Dubai is liable for their wrongful acts and/or omissions relating to Plaintiffs' Citation which caused Plaintiffs to suffer damages.

30. Defendants' negligent acts and omissions caused Plaintiffs to suffer damages which include, but are not limited to: diminution of value to the Citation; repairs to the Citation's damaged parts; costs associated with using substitute aircraft while the Citation was out of service; fixed costs relating to the Citation; consulting fees in connection with the repairs of the Citation; attorneys' fees; interest; and any other related damages.

31. Plaintiffs have thereby been damaged in an amount exceeding 75,000.00.

WHEREFORE, Plaintiffs pray that judgment be entered in their favor against Defendants Piedmont Hawthorne Aviation, Inc., Piedmont Hawthorne, LLC, Landmark Aviation, Inc., Garrett Aviation Services, Inc., The Carlyle Group, Dubai Aerospace Enterprise, and AOG Tank Tigers, jointly and severally, in an amount exceeding \$75,000.00 with interest at the legal rate from the date this action was filed until paid; that they recover their costs and that they have such other relief as may be appropriate.

/s/ John Haworth  
John Haworth, Attorney for Plaintiffs  
State Bar Number 1971

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**DEMAND FOR JURY TRIAL**

Plaintiffs demand pursuant to Rule 38 (b), Rules of Civil Procedure, a jury trial as to all issues of contested fact arising in this civil action.

/s/ John Haworth  
John Haworth, Attorney for Plaintiffs